

Notice of Allowability	Application No.	Applicant(s)	
	09/913,892	BECK, RONALD	
	Examiner	Art Unit	
	Phillip A Johnston	2881	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment dated 9-02-2003.
 2. ☒ The allowed claim(s) is/are 1-20.
 3. ☒ The drawings filed on 20 August 2001 are accepted by the Examiner.
 4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
 6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other _____ |

Detailed Action

Examiners Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kevin Kercher on 10-15-2003. The changes made below are underlined.

The Claims are amended as follows:

-- Claim1. (Currently Amended) A holder for radioactive substances, comprising a first container, a second container and shielding means, wherein the first container is provided with first sealing means for liquid and gas tight closing the first container, wherein the second container is provided with second sealing means for liquid and gas tight enclosing the first container within the second container, wherein the shielding means is positioned at least partly on the outside of the second container and is essentially impenetrable to radioactive radiation, and wherein the first and the second container both have a septum, the septum of the second container during use being situated at least partly over the septum of the first container, both septa being pierceable approximately simultaneously by a needle. --

-- Claim 16. (Currently Amended) A method for shielding a radioactive substance, comprising the steps of:

- (a) positioning the substance within a first container; (b) closing the first container liquid and air tight with a first lid; (c) positioning the first container within a second container;
- (d) closing the second container liquid and air tight with a second lid,
- (e) positioning the first and the second container in a shielding means, comprising a third container; and
- (f) closing the shielding means around the entire first and second container,

wherein the first and the second container both have a septum, the septum of the second container during use being situated at least partly over the septum of the first container, both septa being pierceable approximately simultaneously by a needle. --

Examiner's statement of reasons for allowance

The following is an examiner's statement of reasons for allowance:

2. Claims 1 and 16 are allowed because Prior art fails to show a holder for radioactive materials that utilizes two sealed containers, housed in a third container which provides shielding, where both first and second containers have septa that can be pierced simultaneously by a needle.

3. Claims 2-15, and 17-20 are allowed because they are dependent upon allowed Claims 1 and 16.

Prior Art does not specifically disclose a radioactive material in a first sealed container, which is placed in a second sealed container and subsequently placed in a third container that provides shielding for the radiation, where both first and second containers have septa that can be pierced simultaneously by a needle. The use of two sealed containers having piercable septa, housed within a third shielded container is patentable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications should be directed to Phillip Johnston whose telephone number is (703) 305-7022. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor John Lee can be reached at (703) 308-4116. The fax phone numbers are (703) 872-9318 for regular response activity, and (703) 872-9319 for after-final responses. In addition the customer


Application/Control Number: 09/913,892
Art Unit: 2881

Page 5

service fax number is (703) 872- 9317.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.

PJ
October 20, 2003


J. R. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2000